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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

1:23-cr-00254-MC

v.

**GOVERNMENT’S AMENDED
PROPOSED VERDICT FORM**

**NEGASI ISHAIAH ZUBERI, aka
JUSTIN JOSHUA HYCHE,**

Defendant.

The circuits who have addressed the issue, have held that the particular firearm or ammunition possessed by a defendant charged with 18 U.S.C. § 922(g)(1) is a means, not an element, that does not require jury unanimity. *See, e.g., United States v. Verrecchia*, 196 F.3d 294 (1st Cir. 1999); *United States v. Robinson*, 855 F.3d 265 (4th Cir. 2017); *United States v. Talbert*, 501 F.3d 449 (5th Cir. 2007); *United States v. DeJohn*, 368 F.3d 355 (6th Cir. 2004); *United States v. Pollock*, 757 F.3d 582 (7th Cir. 2014).

Although it does not appear that the Ninth Circuit has analyzed the issue as specifically as the courts listed above, its application of the statute follows suit. *See United States v. Qualls*,

172 F.3d 1136 (9th Cir. 1999) (jury properly instructed that it could find Qualls guilty of § 922(g)(1) charge if it found beyond a reasonable doubt that he possessed any one of the firearms listed in the indictment); *see also United States v. Conley*, 585 Fed. Appx. 502 (9th Cir. 2014) (unpub.) (district court did not plainly err in refusing to give a unanimity instruction regarding which firearm Conley possessed) (citing *Richardson v. United States*, 526 U.S. 813, 817 (1999)).

In light of this authority, the government proposes the attached amended verdict form and a general unanimity instruction on the firearms/ammunition counts.

Dated: October 15, 2024

Respectfully submitted,

NATALIE K. WIGHT
United States Attorney

/s/ Suzanne Miles
SUZANNE MILES
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

1:23-cr-00254-MC

v.

VERDICT

NEGASI ISHAIAH ZUBERI, aka
JUSTIN JOSHUA HYPHE

We, the jury, being duly empaneled and sworn, hereby unanimously find **NEGASI ISHAIAH ZUBERI, aka JUSTIN JOSHUA HYPHE**, as follows:

Count 1
Kidnapping

_____ Not Guilty

_____ Guilty

If you checked "Guilty", you must choose at least one of the following to explain which type(s) of conduct your verdict is based on:

(Please check all that apply)

_____ Defendant transported AV1 across state lines from Washington to Oregon

_____ Defendant traveled in interstate commerce in committing, or in furtherance of, the offense

_____ Defendant used any means, facility, or instrumentality of interstate commerce in committing or furtherance of the offense

Count 2
Transportation for Criminal Sexual Activity

_____ Not Guilty

_____ Guilty

Count 3
Kidnapping

_____ Not Guilty

_____ Guilty

Count 4
Felon in Possession of a Firearm and Ammunition

_____ Not Guilty

_____ Guilty

Count 5
Felon in Possession of a Firearm and Ammunition

_____ Not Guilty

_____ Guilty

Count 6
Felon in Possession of Ammunition

_____ Not Guilty

_____ Guilty

Count 7
Felon in Possession of Ammunition

_____ Not Guilty

_____ Guilty

Dated: October _____, 2024

PRESIDING JUROR